

Wednesday, 24 July, 1946

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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Chambers of the Tribunal
War Ministry Building
Tokyo, Japan

PROCEEDING IN CHAMBERS

On

An Application of all the remaining Accused for the amendment of Rule 6(b)(1) as amended of the Rules of Procedure of the IMTFE (Paper No. 301.)

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Before:

HON. SIR WILLIAM WEBB,
President of the Tribunal and
Member from the Commonwealth of
Australia.

Reported by:
Jack Greenberg

A P P E A R A N C E S

For the Prosecution Section:

A. J. MANSFIELD, Justice, Associate Counsel,
acting on behalf of the Commonwealth of
Australia; and

MR. EUGENE D. WILLIAMS

For the Defense Section:

WILLIAM LOGAN, JR.,
Counsel for Accused KIDO, Koichi; and

KIYOSE, Ichiro,
Counsel for Accused TOJO, Hideki.

The proceedings were begun at 0900.

MR. LOGAN: This is an application by the accused for amendment of Rule 6(b)(1), as amended on May 20, 1946, so the last sentence of the rule shall read,

"If the document is in a language other than English or Japanese, it shall be sufficient for the purpose of this provision if a translation into both English and Japanese of such document, or such part or parts is delivered to the Prosecution or the accused concerned or his counsel, and to such officer."

The rule as it stands today reads "English or Japanese," and we are asking it be changed so that the accused will be furnished with copies in both English and Japanese of any document which is in a language other than English or Japanese.

MR. WILLIAMS: It won't be necessary for you to argue that matter, Mr. Logan, as far as we are concerned. We have been following that system. We believe, that in view of Section III, Article 9b of the Charter requiring all proceedings to be in both English and the language of the accused, that that sufficiently modifies the rule so that it requires us to provide the excerpts which we are offering in evidence in both languages, and we are so providing.

THE PRESIDENT: Then you agree to the amendment?

MR. WILLIAMS: Yes.

MR. LOGAN: I just want to call your attention to the fact that one document -- No. 1691 -- was served on Japanese counsel in a Chinese copy.

MR. JUSTICE MANSFIELD: That was a mistake.

THE PRESIDENT: Those things will happen.

MR. WILLIAMS: I will check on that.

MR. LOGAN: Will you take it up?

MR. WILLIAMS: I couldn't tell the difference between Chinese and Japanese by looking at it. I suspect the boys doing the distribution did the same thing.

MR. LOGAN: 1691.

THE PRESIDENT: There is a further application.

CLERK OF THE COURT: This was order granted, I take it?

THE PRESIDENT: No. This is an amendment to the Rules. I can see no reason why it should not be amended.

Is there any other application?

MR. WILLIAMS: There are two other applications pending, but they haven't been set down for this

morning.

MR. LOGAN: One was referred to the Court with respect to the 650 affidavits. You referred that to the Tribunal to be argued there. I assumed it was coming on this morning in the Tribunal.

CLERK OF THE COURT: No. We haven't set that.

THE PRESIDENT: We are not ready for that yet.

CLERK OF THE COURT: Then we have one other application that was taken under consideration by Sir William, and you are working on an order, I think, as soon as you get the record. So, I think that disposes of that.

MR. WILLIAMS: In any of these matters that are going to be heard in open Court, we ask that they be deferred until after we get rid of the Chinese witnesses.

THE PRESIDENT: Well, it won't come on today.

(Whereupon, at 0907, the proceedings were concluded.)

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